

Nos. 16-56057 & 16-56287

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**MICHAEL SKIDMORE,
AS TRUSTEE FOR THE RANDY CRAIG WOLFE TRUST
PLAINTIFF, APPELLANT AND APPELLEE**

vs.

**LED ZEPPELIN, ET AL.
DEFENDANTS AND APPELLEES
AND
WARNER/CHAPPELL MUSIC, INC.,
DEFENDANT, APPELLEE AND APPELLANT**

APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
HON. R. GARY KLAUSNER, DISTRICT JUDGE, CASE NO.15-cv-03462 RGK (AGRx)

**DEFENDANTS' MOTION FOR LEAVE TO FILE RESPONSE TO
THE AMICUS CURIAE BRIEF OF PULLMAN GROUP, LLC
AND STRUCTURED ASSET SALES, LLC**

PETER J. ANDERSON, ESQ.
DAVIS WRIGHT TREMAINE LLP
865 SOUTH FIGUEROA, SUITE 2400
LOS ANGELES, CA 90017-2566
TEL.: (213) 633-6800
ATTORNEY FOR DEFENDANTS AND APPELLEES
JAMES PATRICK PAGE ET AL. AND
DEFENDANT, APPELLEE AND APPELLANT
WARNER/CHAPPELL MUSIC, INC.

HELENE M. FREEMAN, ESQ.
PHILLIPS NIZER LLP
485 LEXINGTON AVENUE, 14TH FLOOR
NEW YORK, NY 10017
TEL: (212) 977-9700
ATTORNEY FOR DEFENDANTS AND APPELLEES
JAMES PATRICK PAGE, ROBERT ANTHONY
PLANT AND JOHN PAUL JONES

Defendants respectfully seek leave to file a short brief in response to the amicus curiae brief filed by Pullman Group, LLC, and Structured Asset Sales, LLC (collectively, “Pullman”) ([Dkt. Entry 131-2](#)).

While the Pullman Brief echoes plaintiff’s deposit copy argument, the Pullman Brief also includes three arguments not previously made by plaintiff: (1) the Copyright Office did not accept sound recordings as deposit copies under the Copyright Act of 1909 because, Pullman claims, that Act did not recognize that sound recordings could infringe the copyright in a musical composition, (2) this Court’s confirmation that deposit copies are the copyrighted works would reward those who failed to register their copyrights by providing them broader protection, and (3) the principle that an infringement claim is governed by the law at the time the claim arose supports recognizing as the copyrighted work recordings of versions of an unpublished musical composition that obtained federal copyright by deposit of sheet music. Defendants believe each of Pullman’s arguments are incorrect and request leave to file the accompanying proposed Response to explain why that is so.

Plaintiff’s counsel have advised that they do not oppose this Motion if defendants combine their proposed Response to the Pullman Brief in a single brief with their proposed Combined Reply to plaintiff’s Responses to the amicus briefs filed by the Amici supporting affirmance, and otherwise defer to the Court’s discretion.

Respectfully submitted,

Dated: September 9, 2019

/s/ Peter J. Anderson
Peter J. Anderson, Esq.
DAVIS WRIGHT TREMAINE LLP

Helene M. Freeman, Esq.
PHILLIPS NIZER LLP

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed this Petition with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF System on September 9, 2019.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

Dated: September 9, 2019

/s/ Peter J. Anderson